

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: September 23, 2003

TIME: 7:30 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Christopher Romeo, Robert Jefferies, Allan Loiselle,
Dini Healy-Coffin, James Silva

OTHERS

PRESENT: Steve Ledoux-Town Manager
Audience Members

Open Forum

Fred Magdalenski, 27 S. Chelmsford Road, read a letter he wrote to Senator Kennedy and Senator Kerry two years ago relative to reducing the Medicare budget by improving the health of senior citizens. Magdalenski suggested building a state-of-the-art federally funded senior center in Westford as a model for other communities. Magdalenski reported that he and Bill Collins met with the Council on Aging recently. The Council on Aging approved the idea for the new senior center and recommended forming a five person committee to further pursue the suggestion. Magdalenski asked for the Board's approval of the committee. Romeo asked Magdalenski if he would consider using the newly formed Permanent Building Committee. Magdalenski stated that they would be meeting with the Permanent Building Committee on Wednesday, September 24, 2003 and that they would be willing to work with the Committee. Healy-Coffin suggested that Magdalenski speak to the Recreation Commission regarding the land at the Lavelle property which has been earmarked for a swimming pool, etc. Healy-Coffin also suggested that Magdalenski seek donations from all Westford residents not just senior citizens with a fundraising subcommittee working with the Permanent Building Committee. Romeo asked

Magdalenski to provide to the Board the committee's written mission statement. Romeo suggested allowing Magdalenski to meet with the Permanent Building Committee for their input and come back to the Selectmen for a vote on recognizing the committee. The Board concurred.

Public Hearing – Class II License, Westford Auto Sales, 341 Littleton Road, Westford, Massachusetts

Romeo opened the public hearing. Attorney Howard Hall was present representing Reginald Clair, owner of Westford Auto Sales, which currently holds a Class 2 Used Car License. Hall asked permission to expand the license from 25 vehicles to approximately 100 vehicles. Hall stated that pursuant to a conversation with the Town Planner site plan review is not appropriate at this time. Hall referenced the Town Planner's letter dated September 23, 2003 relative to the review of the plans. Healy-Coffin asked to continue the public hearing so that the Board could be sure that the Town Planner had adequate time to review the plans. Loisel noted that the plans are a huge expansion on the site and asked that the applicant work to make the lot more aesthetically attractive. Hall pointed out that there will be no additional pavement added to the site. Clair stated that he has been in business in the same location for over 22 years and that he has tried to keep the corner in good condition. Clair stated that the business has expanded as the town has grown. Loisel was concerned with how Clair would be able to fit 100 display cars on the lot and have adequate parking for employees and customers. Hall stated that the customers would park in front and the employees would park near the Murray building. There was no input from the floor. **It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to continue the public hearing to October 7, 2003 (time to be determined).**

Request to Redeem Foreclosed Property, Parcel 30, Map 78, Graniteville Road

This request was continued from the September 9, 2003 meeting so that the Board could get additional information from the Tax Collector and Town Counsel. Joyce Corey, 250 Nesmith Street, Lowell, Massachusetts, was present. Romeo referenced documentation provided by Cheryl Accardi, Tax Collector, regarding a history of the land from the date of purchase (1969) to the foreclosure decree by Land Court dated December 2, 2002. Romeo noted that this is not the first time this property has been the subject of tax liens, takings and foreclosure. Romeo also noted that the Tax Collector attempted to work out a payment plan with the property owner which was not adhered to. Romeo read the final judgment dated December 5, 2002 regarding the Town of Westford vs. Corey Steeple Jack, Inc., Defined Benefit Pension Plan as follows:

This case came on to be heard and was argued by counsel, and thereupon, consideration thereof, it is ADJUDGED and ORDERED that all rights of redemption are forever foreclosed and barred under the deed given by the Collector of Taxes for the TOWN OF WESTFORD in the County of Middlesex and said Commonwealth, dated September 7, 1992 and duly recorded in Book 6177, Page 68. Corey stated that according to her attorney they had the right to redeem the property within one year. Romeo

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believed the deadline to redeem had passed and suggested that Corey have her attorney come before the Board. Romeo stated that he was disinclined at this time to allow the foreclosed property to come back to the Coreys' possession due to the 30 year history of tax delinquencies, that the land is potentially developable and that the tax revenue has been owed for quite some time. Romeo stated that the Town expects taxes to be paid.

Corey reiterated that this became her problem three months ago upon her husband's illness and that she is trying to resolve this and other matters. Romeo suggested that Corey have her attorney review the Land Court record and determine the correct date. Jefferies stated that the Town can only redeem the land to the legal owner (Steeple Jack, Inc.). Romeo asked Corey to provide the Trustee documents. Romeo also suggested that Corey ask her attorney about possibly posting a bond or funds to the Town to cover any future tax delinquencies. There was no action taken by the Board. This matter was continued to a future date to be determined.

Request to Purchase Town Owned Property, Crescent Street

Erin and Joseph O'Connor, 6 Crescent Street, were present seeking to purchase a parcel of town-owned land approximately 5,000 sq. ft. which abuts their property. O'Connor wanted the land to increase her property value and for the possible future construction of a garage. O'Connor stated that the property is currently being used for a yard waste disposal area by the neighbors and a bike riding area for children. Ledoux stated that Town Counsel is currently reviewing whether the Tax Committee has the authority to sell the property given the recent Procurement Act that has been established. Ledoux stated that depending upon the value of the property it would have to go out to bid. Healy-Coffin asked to see a picture of the property. Ledoux will attempt to get an aerial photograph of the site. O'Connor asked that her request be put on the Special Town Meeting Warrant for November 4th. Continued to the meeting of October 7, 2003.

Review of Keyes Corner LIP Site Plan

Attorney Douglas Deschenes was present for the applicant. Deschenes provided an overview of the LIP project. Deschenes showed a plan of the 5.26 acre site with the existing Rancho De Amigos Restaurant, the existing building in the rear (both buildings to be razed), existing pavement, wetlands and a perennial stream. Deschenes reported that the 1.3 acres of wetlands have been flagged but have not been verified by the Conservation Commission as yet. Deschenes showed the original plan for 36 units and a revised plan with 36 units in the reduced size and reconfigured buildings. Deschenes stated that the height of the buildings will be 37 feet and that the plans meet all of the dimensional regulations and setback requirements. Jefferies felt that the applicant needed to decide on residential or commercial zone and noted that a 50 ft. buffer was needed in the commercial zone for abutting residences.

Deschenes addressed the architecture of the buildings. Deschenes reported that they have been meeting with Planning Staff, the applicant's architect and the Town's peer review architect, John Winslow, to try to improve the design of

the buildings as they face Groton Road. Jefferies suggested that the architect look into hipping the end units to relieve some of the visual massing from Groton Road.

Nancy Maddox, 207 Groton Road, stated that her house is downhill from this property and that the buildings are going to be almost four stories above her property. Maddox noted that the site is more visual in the winter months.

Craig Grimm, 98 Nutting Road, felt that the drawings did not show the true height of the buildings. Grimm was concerned that the buildings will overlook his front yard and that the site can be seen through the wooded area during the winter months. Grimm asked

why three story buildings are needed in a neighborhood and suggested that some of the buildings have foundations or basements to lower the height.

Virginia Burke, 78 Nutting Road, asked if it was legal to build a residential development in a commercial zone. Romeo pointed out that Chapter 40B developments can be built just about anywhere in a town given that the Legislature and the Governor have created an opportunity for development. Burke was concerned with snow removal, snow storage, dumpster areas, and lighting.

Deschenes pointed out the areas for snow storage. Deschenes stated that the lighting will be minimal and that there will be no commercial lighting in the development. The dumpster location has not been determined as yet.

Kevin Kearns, 208 Groton Road, asked Deschenes to clarify the size of the wetlands. Deschenes pointed out the 1.39 acres of wetlands. Kearns was concerned with runoff into the wetlands and asked what the Selectmen thought about density near wetlands. Healy-Coffin stated that wetlands issues are the Conservation Commission's jurisdiction. Kearns was also concerned with adequate abutter notification regarding the various meetings. Deschenes stated that the Conservation Commission will be providing input to the Zoning Board of Appeals. Deschenes stated that after the applicant has filed a Notice of Intent with the Conservation Commission, the abutters will be notified by certified mailing of the public hearing date. Healy-Coffin suggested that the abutters get their e-mail addresses on the mass e-mail through the Assistant Town Manager or check the Town's website.

Anne Dempsey, 208 Groton Road, asked how the land was figured into the quotient given the wetlands and the building. Jefferies stated that the calculations include the entire site and that the State walked the site with representatives of the Town.

Elizabeth Hartofelis, 87 Nutting Road, Nutting Road, was concerned with the poorly aligned intersection and the increase in traffic. Hartofelis felt that the increased development will have the potential for more accidents. Hartofelis

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asked the Town to look at the placement of the stop sign near the gas station. Hartofelis felt that the stop sign should be moved closer to the end of the road. Deschenes stated that the applicant will be doing a traffic analysis as part of the Zoning Board of Appeals process.

Craig Grimm, 98 Nutting Road, stated that there will be more traffic from Keyes Road and that it is already difficult to get out of Keyes Road in the morning hours. Grimm suggested that Keyes Road be included in the traffic study.

Update on Special Town Meeting – Presentation by Peter Ewing on Petition Article

Peter Ewing and Tom Spuhler, representing Westford Environmental News and Action Committee, were present. Ewing outlined the proposed Commercial and Industrial Growth Management Bylaw which would establish an annual building limit of 200,000 square feet that may be permitted by the Town. The bylaw establishes a maximum building size of 150,000 square feet and permits no applicant to receive more than one

building permit per year. The proposed bylaw would address traffic and infrastructure concerns for future development. Spuhler addressed data regarding Commercial-Industrial statistics, Westford Built Commercial Square Feet, How the CGMB Would Have Affected Westford, and 12 Largest Commercial/Industrial Buildings in Westford. Romeo was concerned that the petitioners put together a bylaw prior to meeting with other boards and without input from counsel. Healy-Coffin suggested that the petitioners be more flexible with the input they receive from the Planning Board and the Master Plan Implementation Committee. The Board to take a position on the petition on October 21, 2003.

Old Business/New Business

Request to Lift Hiring Freeze – Director of Environmental Services – Board of Health – Ledoux reported on his meeting with the Board of Health on Monday, September 22, 2003 regarding consolidation of the director positions. Zac Cataldo, Chairman of the Board of Health, stated that the Board of Health voted to request permission from the Selectmen to allow for the hiring of the Director of Environmental Services and the Assistant Director position, if needed. The Assistant Director is currently the Interim Director and if the position is filled by the Interim Director the Assistant position becomes open. Cataldo stated that the Board of Health could find no cost savings with a consolidation. **It was moved by Loiselle, seconded by Jefferies, and VOTED UNANIMOUSLY, to lift the hiring freeze for the Director position only at this time.**

Request to Lift Hiring Freeze – Serials/Inter-Library Loan Librarian – Ellen Rainville, Library Director, was present seeking to fill the full-time CWA position. **It was moved by Jefferies, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to lift the hiring freeze.**

Licenses and Permits

Auctioneers License, Westford Friends of Lacrosse, Ronald Thompson – **It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to approve.**

Auctioneers License, Fundraising Auction, Franco American Club – **It was moved by Jefferies, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve.**

One Day Wine and Malt License, Parish Center for the Arts, November 1, 2003 - **It was moved by Jefferies, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve.**

Outlook Restaurant – Liquor License – Ledoux reported that the Board approved this license a few months ago but the ABCC has requested a separate license be issued. **It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve.**

Westford Grille – Automatic Amusement License – Tammi Tompkinson, Manager, was present. **It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve.**

Board Appointments

Kelly Beattie, Westford Cultural Council – It was moved by Jefferies, seconded by Silva, and VOTED UNANIMOUSLY, to appoint.

Franklin Property

No report at this time.

Brookside Mill

Ledoux reported that he will be meeting with Mass Housing on October 2nd to discuss the impact of the minimal State award on the Housing Authority to purchase units.

Old Business/New Business, cont.

House Bill 1468 – Ledoux reported that this Bill would allow municipalities to buy out and take over utilities. Ledoux asked if the Board would like to sign on with other communities. **It was moved by Jefferies, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to support.**

Jennifer Drive Request – Request received from Kathy Boudreau, 8 Jennifer Drive, dated September 12, 2003, for the installation of two (2) Slow Children signs on Jennifer Drive. **It was moved by Healy-Coffin, seconded by Silva, and VOTED UNANIMOUSLY, to authorize.**

School Zone Lights – Ledoux reported on the traffic issues on Groton Road regarding the new school. Jefferies had asked Ledoux for information regarding new school zone lights. Ledoux to investigate how to pay for the lights and report back to the Board on October 7, 2003.

Early Retirement – Ledoux referenced a list provided by Chris Liebke, Human Resources Director, regarding the interest in early retirement of employees aged 50 or older and/or 20 years of service. The preliminary list did not include non-teacher school employees. Ledoux stated that the Board had to make a decision by November 1st with employees retiring by December 31st. Ledoux stated that there are issues regarding sick leave buyback for the police and fire employees. Liz Adams, Finance Committee, stated that the Finance Committee did an extensive analysis last year and will be discussing this matter at their meeting on Wednesday, September 24, 2003. Romeo asked if the Finance Committee would be willing to help the Board with determining the impact of the assumptions for early retirement. Continued to October 7, 2003.

Minutes

It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve the minutes of August 12, 2003 regular session.

It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve the minutes of August 12, 2003 executive session but NOT release to the public.

It was moved by Jefferies, seconded by Silva, and VOTED 4 IN FAVOR WITH 1 ABSTAINING (Healy-Coffin), to approve the minutes of August 16, 2003 emergency meeting.

Review of Double Pole Report

Ledoux reported that he spoke to the Fire Chief and was informed that there are no municipal lines in use contrary to the Double Pole Report. Ledoux stated that the issue will be investigated.

Correspondence

Romeo read the list of correspondence.

9.17 Knights of Columbus, Bishop Ruocco Council No. 275, Tootsie Roll Drive, (Oct. 5th -11th). **It was moved by Loiselle, seconded by Silva, and VOTED UNANIMOUSLY, to designate October 5th through October 11th as Knights of Columbus Days for Handicapped Children.**

9.19 Chen Hsiung Cheng, 11 Rome Drive re: snowplowing. The Highway Superintendent to address snowplowing issues.

9.20 Westford Planning Board to Selectmen re: Request to review ATV regulation on Town-owned land. Ledoux to schedule an agenda item with the Planning Board for discussion.

Executive Session

It was moved by Loiselle, seconded by Silva, and VOTED UNANIMOUSLY, to go into Executive Session at 10:25 p.m. for the purpose of discussing the Town of Westford vs. Tresca and Contract Negotiations with IAFF. A polling of the Board: Romeo-yes; Jefferies-yes; Loiselle-yes; Healy-Coffin-yes; Silva-yes. John Gannon, Town Counsel, to be present for the Westford vs. Tresca discussion. The Board to reconvene to regular session for the purpose of adjourning only.

Open Items

- 9/23-1 Ledoux to schedule Westford Auto Sales continued public hearing on 10/7 agenda.
- 9/23-2 Ledoux to get aerial photo of town-owned land on Crescent Road.
- 9/23-3 Ledoux to schedule request to purchase town-owned land on Crescent Road on 10/7 agenda and to get opinion from Town Counsel re: Tax Committee's authority.
- 9/23-4 Ledoux to report to the Board on 10/7 re: school lights at Groton Road.
- 9/23-5 Board to discuss early retirement on 10/7.
- 9/23-6 Ledoux to prepare proclamation for Knights of Columbus (corr. 9.17).
- 9/23-7 Ledoux to schedule agenda item with Planning Board re: ATV regulation.

Reconvene to Regular Session and Adjournment

The Board reconvened to regular session at 11:17 p.m. It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to adjourn the meeting.

Steve Ledoux, Town Manager

Christopher Romeo, Chairman

Submitted by Beth Kinney, Recording Secretary